

REMARKS

The office action of October 16, 2006, has been carefully considered.

It is noted that claims 1-4 are rejected under 35 U.S.C. 103(a) over European Publication No. 0075448 to McKee in view of the patent to Fries.

In view of the Examiner's rejection of the claims, applicant has amended claims 1 and 2.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references. In the present invention the bearing surfaces 16 and 17 face each other and the bearing surfaces 18 and 19 face away from each other. Claims 1 and 2 have been amended to clarify this.

Turning now to the references and particularly to McKee, it can be seen that this reference discloses a double bladed shear. The blades of the presently claimed invention have a different fastening than the blades of McKee. As seen in Fig. 1 of McKee,

the upper and the lower pairs of blades are mounted on bearing surfaces that face each other. There is no teaching or suggestion of mounting the lower pair of blades on surfaces that face away from each other, as in the presently claimed invention.

The patent to Fries discloses continuously rotating shears. There is no teaching or suggestion of mounting the upper pair of blades on bearing surfaces that face each other and the lower pair of blades on surfaces that face away from each other, as in the presently claimed invention.

The Examiner combined Fries with McKee in determining that claims 1-4 would be unpatentable over such a combination. Applicant respectfully submits that neither of these references, nor their combination, teach a crank shear having the features discussed above as recited in the claims presently on file. Neither of the references, nor their combination, teach the arrangement of the upper pair of blades and the lower pair of blades as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-4 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and

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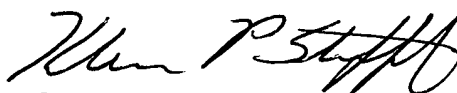
should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 16, 2007.

By:


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